



## **PLANNING COMMISSION AGENDA**

**Wednesday, January 30, 2008**

**6:30 p.m. Regular Meeting**

**City Hall  
First Floor Wing  
Rooms W118 and W119**

200 East Santa Clara Street  
San José, California

**Ash Kalra, Chair  
Randi Kinman, Vice-Chair**

**Xavier Campos      Lisa Jensen  
Matt Kamkar      Christopher Platten  
Jim Zito**

**Joseph Horwedel, Director  
Planning, Building and Code Enforcement**

## NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

## NOTICE TO THE PUBLIC

Good evening, my name is **Ash Kalra** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **Wednesday, January 30, 2008**. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the Audio-Visual Technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4.a., not PD06-023.**

The procedure for this hearing is as follows:

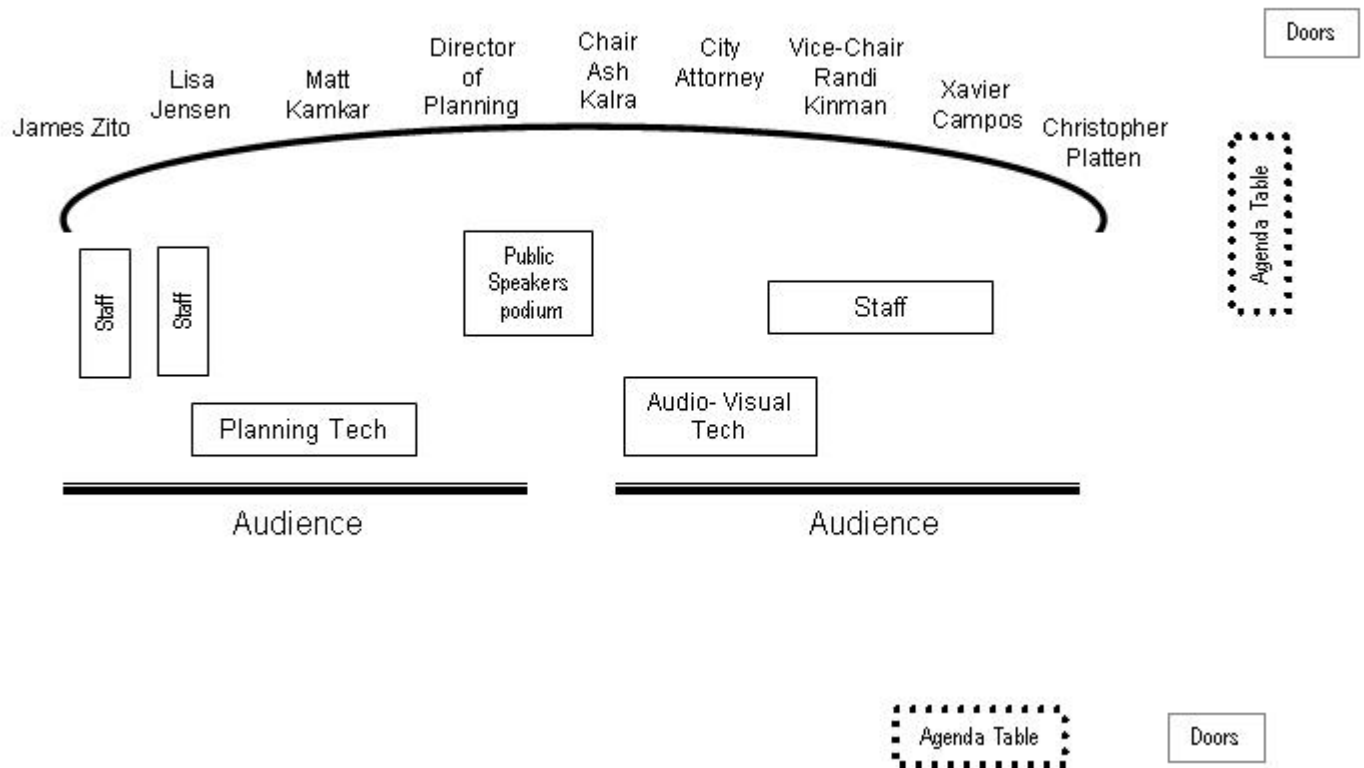
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items.** Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

**Note:** If you have any agenda questions, please contact Carmen Stanley at (408) 535-7856 or email [carmen.stanley@sanjoseca.gov](mailto:carmen.stanley@sanjoseca.gov)

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San José Planning Commission generally meets every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at [www.sanjoseca.gov/planning/hearings/planning\\_com.asp](http://www.sanjoseca.gov/planning/hearings/planning_com.asp).

Audio for the Planning Commission hearings are recorded and broadcast live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website: [http://sanjose.granicus.com/ViewPublisher.php?view\\_id=17#planningCommission](http://sanjose.granicus.com/ViewPublisher.php?view_id=17#planningCommission).

If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

# **AGENDA**

## **ORDER OF BUSINESS**

### **1. ROLL CALL**

### **2. DEFERRALS**

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

- a. Consideration of Planning Commission Agenda management and length of public hearing concerns and determination on whether to proceed with remaining agenda items past 11:00 p.m., continue this hearing to a later date certain, or defer remaining items to the next regularly scheduled Planning Commission meeting date. To be heard by the Planning Commission no later than 11:00 p.m.

### **3. CONSENT CALENDAR**

#### **NOTICE TO THE PUBLIC**

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. **CP07-091 & ABC07-009**. Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale and on-sale of alcohol at a retail store (Beverages and More) on a 6.28 gross acre site in the CP Pedestrian Commercial Zoning District, located on northeast corner of Blossom Hill Road and Santa Teresa Blvd (871 BLOSSOM HILL RD)(Terra Nova Indust/Bob Taylor, Developer). Council District 10. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

#### **Staff Recommendation:**

Approve a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale and on-sale of alcohol at a retail store (Beverages and More) on a 6.28 gross acre site in the CP Pedestrian Commercial Zoning District as recommended by staff.

- b. **CP07-074**. Conditional Use Permit request to allow an entertainment establishment (Karaoke) to an existing legal non-conforming drinking establishment (Red Stag Lounge) on a 0.19 gross acre site in the CP Pedestrian Commercial Zoning District, located on the north side of West San Carlos Street, approximately 70 feet westerly of Menker Avenue (1711 W San Carlos St)(Barry and Linda Furtado, Trustee, owner). Council District: 6. SNI: Burbank/DelMonte. CEQA: Exempt. Deferred from 01/16/2008. *PROJECT MANAGER, S.MALLICK*

#### **Staff Recommendation:**

Approve a Conditional Use Permit to allow an entertainment establishment (Karaoke) at an existing legal non-conforming drinking establishment (Red Stag Lounge) on a 0.19 gross acre site in the CP Pedestrian Commercial Zoning District as recommended by staff.

The following items are considered individually.

#### 4. PUBLIC HEARINGS

##### NOTICE TO THE PUBLIC

Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.

- a. **Final Environmental Impact Report for Coleman Avenue-Autumn Street Improvement Project (File No.PP06-166)**. The project for which the EIR is being prepared will widen Coleman Avenue to six lanes between Hedding Street and Autumn Street, a distance of approximately 0.8 mile. This segment of Coleman Avenue is currently four lanes. North of Hedding Street, Coleman Avenue has recently been widened to six lanes as part of the I-880/Coleman Avenue Interchange Improvement Project. The project will widen, partially realign, and extend Autumn Street between Coleman Avenue and Park Avenue, a distance of approximately 1.1 miles. Autumn Street currently varies from two to three lanes and terminates north of Julian Street. Council Districts: 3 and 6. (SCH # 2007042035). Circulated October 17, 2007 to November 30, 2007. *PROJECT MANAGER, M.RHOADES*

##### **Staff Recommendation**

Find that the Final EIR prepared for this project has been completed in compliance with and conforms to the requirements of CEQA and that the Final EIR reflects the City's independent judgment and analysis, and direct staff to forward and present the certified Final EIR to the City Council for review and consideration.

- b. The projects being considered are located between Los Esteros Road and Grand Blvd (675 Los Esteros Road)(Zanker Road Resource Mgt Ltd, Owner/Developer). Council District: 4. SNI: None. CEQA: Environmental Impact Report, pending. *PROJECT MANAGER, S.SAHA*

- 1) **FINAL ENVIRONMENTAL IMPACT REPORT FOR THE ZANKER MATERIALS RECYCLING FACILITY**. A Planned Development Zoning to allow construction of a 200,000 square foot Materials Recovery Facility (MRF) building and to relocate existing material recycling activities to the MRF building; increase in the peak daily tonnage received and processed from 1,250 to 5,000 tons; allow the acceptance, transfer off-site and the possible future screening and sorting of green/yard waste and municipal solid waste (MSW) including food waste inside the MRF building; relocate and expand the scale house facilities to accommodate the proposed increased daily tonnage; allow site operations to occur 24-hours per day, 7 days per week; use the surface of the existing landfill (after landfill closure) for ancillary operations such as employee parking, truck parking, temporary material storage, and/or a retail soil/materials yard and install new outdoor lighting at the facility.

##### **Staff Recommendation:**

Find that the Final EIR prepared for this project has been completed in compliance with and conforms to the requirements of CEQA and that the Final EIR reflects the City's independent judgement and analysis, and direct staff to forward and present the certified Final EIR to the City Council for review and consideration.

- 2) [PDC06-120](#). Planned Development Re-zoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to expand resource recovery and recycling operations, to construct an approximately 200,000 square foot materials recovery facility building and to allow 24-hour operations on a 52.5 gross acre site.

**Staff Recommendation:**

Recommend approval of the Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to expand resource recovery and recycling operations, to construct an approximately 200,000 square foot materials recovery facility building and to allow 24-hour operation on a 52.5 gross acre site as recommended by staff.

- c. [PDC07-003](#). Planned Development Zoning to remove one existing single-family residence and construct two single-family detached residences on a 0.23 gross acre site, located on the south side of East Taylor Street, approximately 90 feet westerly of N. 20<sup>th</sup> Street (944 E. Taylor St.)(Anh-Mai Phuong Le, owner). Council District: 3. SNI: None. CEQA: Exempt. Continued from 12/05/2007. *PROJECT MANAGER, L.MCMORROW*

**Staff Recommendation:**

Recommend approval of a Planned Development Zoning to remove one existing single-family residence and construct two single-family detached residences on a 0.23 gross acre site as recommended by staff.

- d. [PD07-035](#). APPEAL by the applicant of the Planning Director's decision to approve a Planned Development Permit to allow entertainment and drinking establishment uses at an existing restaurant/bar (Rosie McCann's Irish Pub Restaurant) specifically related to the hours of operation after midnight hours (until 2:00 a.m. 7 days a week) on a 1.40 gross acre site in the A(PD) Planned Development Zoning District at the northwest corner of Santana Row and Olin Avenue (355 Santana Row)(Federal Realty, Owner). Council District: 6. SNI: None. CEQA: Reuse of an EIR. *PROJECT MANAGER, S.MALLICK*

**Staff Recommendation:**

Uphold the Planning Director's decision to approve a Planned Development Permit to allow entertainment and drinking establishment uses at an existing restaurant/bar (Rosie McCann's Irish Pub Restaurant) with operation after midnight (until 2:00 a.m.) on Friday and Saturday nights on a 1.40 gross acre site in the A(PD) Planned Development Zoning District as recommended by staff.

- e. [PDC06-130](#). Planned Development Rezoning IP Industrial Park Zoning District to A(PD) Planning Development Zoning District for construction of up to 600 multiple dwelling units in two high-rise towers with ground floor commercial on a 6.08 gross acre site, located on the southwest corner of the intersection of Airport Parkway and Old Bayshore Highway (50 AIRPORT PKWY) (Foster Airport Pkwy LP, Owner). Council District 3. SNI: None. CEQA: NSJ EIR Resolution No.72768, and Addenda thereto. *PROJECT MANAGER, C.BURTON*

**Staff Recommendation:**

Recommend approval of a Planned Development Rezoning from the IP Industrial Park Zoning District to A(PD) Planning Development Zoning District for construction of up to 600 multiple dwelling units in two high-rise towers with ground floor commercial on a 6.8 gross acre site as recommended by staff.

- f. [PDC07-057](#). Planned Development Rezoning from the IP - Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 1,700 single-family and multi-family attached residences, 45,000 square feet of retail space, and a 5.1 acre public park on a 32.6 gross acre site, located on the northwest corner of North First Street and River Oaks Place (WTI Inc, Owner; Thompson Dorfman, Developer). Council District 4. SNI: None. CEQA: Addendum to North San José EIR. *PROJECT MANAGER, J.BATY*

**Staff Recommendation:**

Recommend approval of a Planned Development Rezoning from the IP – Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 1,700 single-family and multi-family attached residences, 45,000 square feet of retail space, and a 5.1 acre public park on a 32.6 gross acre site as recommended by staff.

**5. PETITIONS AND COMMUNICATIONS**

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
- 1) Responding to statements made or questions posed by members of the public; or
  - 2) Requesting staff to report back on a matter at a subsequent meeting; or
  - 3) Directing staff to place the item on a future agenda.

**6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

**7. GOOD AND WELFARE**

- a. Report from City Council
- b. Commissioners' report from Committees:
- 1) Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).
  - 2) Coyote Valley Specific Plan (Platten).
  - 3) Parks Funding Subcommittee (Zito).
  - 4) Envision San José 2040 General Plan Update Process (Kamkar).
- c. Review of synopsis for 01/16/08.
- d. Consider Study Session dates and/or topics.
- e. Consider a hearing date for Monday, April 21, 2008, or Wednesday, April 16, 2008, to replace scheduled hearing date on April 23, 2008.
- f. Set March 26<sup>th</sup>, April 9<sup>th</sup>, and April 21<sup>st</sup> or 16<sup>th</sup>, 2008, as General Plan Hearing Dates.

**8. ADJOURNMENT**

## **2008 PLANNING COMMISSION MEETING SCHEDULE**

Date	Time	Type of Meeting	Location
January 16	6:30 p.m.	Regular Meeting	Council Chambers
January 30	6:30 p.m.	Regular Meeting	Council Chambers
February 13	6:30 p.m.	Regular Meeting	Council Chambers
February 27	6:30 p.m.	Regular Meeting	Council Chambers
March 12	6:30 p.m.	Regular Meeting	Council Chambers
March 26	6:30 p.m.	Regular Meeting	Council Chambers
April 9	6:30 p.m.	Regular Meeting	Council Chambers
April 23	6:30 p.m.	Regular Meeting	Council Chambers
May 7	6:30 p.m.	Regular Meeting	Council Chambers
May 14	6:30 p.m.	Regular Meeting	Council Chambers
May 28	6:30 p.m.	Regular Meeting	Council Chambers
June 11	6:30 p.m.	Regular Meeting	Council Chambers
June 25	6:30 p.m.	Regular Meeting	Council Chambers
July 16	6:30 p.m.	Regular Meeting	Council Chambers
August 6	6:30 p.m.	Regular Meeting	Council Chambers
August 20	6:30 p.m.	Regular Meeting	Council Chambers
September 10	6:30 p.m.	Regular Meeting	Council Chambers
September 24	6:30 p.m.	Regular Meeting	Council Chambers
October 8	6:30 p.m.	Regular Meeting	Council Chambers
October 22	6:30 p.m.	Regular Meeting	Council Chambers
November 5	6:30 p.m.	Regular Meeting	Council Chambers
November 19	6:30 p.m.	Regular Meeting	Council Chambers
December 3	6:30 p.m.	Regular Meeting	Council Chambers
December 10	6:30 p.m.	Regular Meeting	Council Chambers



## **CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.